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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,609	04/23/2001	Thomas Antonsson	3764-94	4315

7590 04/19/2005

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EXAMINER

BARTS, SAMUEL A

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Claim Objections*

1. Claims 4, 6, 11, and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant defines certain variables broader than the definition of said variables in the base claim. For example in claim 4 and 17, R1=R4. This requirement is broader than the definition of R1 in claim 1. Also in claim 6, R3 is optionally not present. This option was not defined in claim 1. Therefore, it is broader than claim 1. Also see claim 11 wherein R2=R4

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2 and 4-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Parentheses, which are nested throughout claim 1, render the claim confusing because it is unclear whether or not the subject matter enclosed by the parentheses is a required limitation.

Appropriate correction is required.

***Double Patenting***

4. Applicant is advised that should claim 1 be found allowable, claims 24-27 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). All these claims are directed to the same claimed compounds recited in claim 1 and pharmaceutically acceptable salts thereof.

***Allowable Subject Matter***

5. Claims 1-2, and 4-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Barts whose telephone number is 571-272-2870. The examiner can normally be reached on 6:30-3:00.

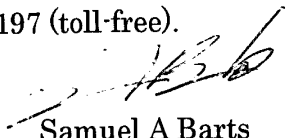
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Samuel A Barts  
Primary Examiner  
Art Unit 1621

SB